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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,424	09/25/1998	SCOT L. SCHNEEBELI	1215	6327

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EXAMINER

WILLETT, STEPHAN F

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PAT

<b>Office Action Summary</b>	Application No. <b>09/160,424</b>	Applicant(s) <b>Schneebeli et al.</b>
	Examiner <b>Stephan Willett</b>	Art Unit <b>2152</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Feb 25, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-31, 33-41, 43-46, and 48-54 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-31, 33-41, 43-46, and 48-54 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 15, 1:      20)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

***Claim Rejections - 35 USC § 103***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 7, 13-16, 19, 25, 33-34, 38, 41, 46, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. with Patent Number 5,867,667 in view of Reisman with Patent Number 6,125,388.

5. Regarding claims 1, 5, 7, 13-16, 19, 25, 32-34, 38, 41, 46, 52, Butman teaches a system

to publish network content. Butman teaches *first and second production servers* as “a domain communications server, is in communication with a number of client side communications servers”, col. 12, lines 43-45. Butman teaches *a staging area to publish content on command* as “communicating directly only with domain server, to send information to any of the others in communication with domain communications server”, col. 13, lines 18-20. Butman teaches *automatically transferring content at the same time in response to a command* as “information may be disseminated from client side communications server to any or all of the other client side communication servers”, col. 12, lines 64-66, but through domain server. Butman teaches the invention in the above claim(s) except for explicitly teaching *a scheduling system*. In that Butman operates to publish data, the artisan would have looked to the content network arts for details of implementing a publishing system. In that art, Reisman, a related network content provider, teaches “information transport component [also a staging server] provides a general purpose facility for sending and fetching information objects between an end user’s computer (the client) and a central server”, col. 10, lines 28-31 in order to provide data. Reisman specifically teaches “advanced controls for scheduled calling can be included in the application-specific configuration used in preparing the containing information product for publication”, col. 14, lines 6-8. Further, Reisman suggests that “user fetch-send protocol working in cooperation with server fetch-send protocol controls the desired information object transport function, calling remote server and exchanging data objects”, col. 15, lines 23-26 will result from implementing the scheduled publish commands. The motivation to incorporate a data scheduling insures that data is timely sent. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the schedule system as taught in Reisman into the publisher described in Butman

because Butman operates with network content and Reisman suggests that optimization can be obtained when publishing content. Therefore, by the above rational, the above claims are rejected.

6. A second rejection of the claims is provided to emphasize the breadth of the present claim language.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-31, 33-41, 43-46, 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel et al. with Patent Number 6,199,082 B1 in view of Change et al. with Patent Number 6,134,584.

9. Regarding claims 1, 5, 7, 13-16, 19, 25, 33-34, 38, 41, 46, 52, Ferrel teaches a system to publish network content. Ferrel teaches *first and second production servers* at col. 9, lines 34-37. Ferrel teaches *a staging area to publish content on command* at col. 10, lines 23-25. Ferrel teaches *automatically transferring content at the same time* as “the title and content are published together”, “this is called dynamic title synthesis or dynamic synthesis, and allows content to be continually updated without need to modify and update”, etc, “with OLE a particular application can create a structured hierarchy where the root file itself has many substorages”, “the use of high bandwidth data delivery is within the scope of the present application”, “it then acquires this information from the publication storage or local storage at customer workstation [which could also be considered a production server] and organizes it” col.

10, 11, lines 24-25, 59-61, 1-3, 37-38 and 53-55, but also “a set of replicated application servers (i.e. application servers which run the same service application or applications) that provide access to replicated (and locally stored) copies of service ‘content’ data”, col. 15, l. 1-5. Ferrel teaches the invention in the above claim(s) except for explicitly teaching *a scheduling system*. In that Ferrel operates to publish data, the artisan would have looked to the content network arts for details of implementing a publishing system. In that art, Change, a related network content provider, teaches downloading of data, col. 5, lines 52-54 in order to provide data at a specified time. Change specifically teaches “scheduling data download” at col. 5, lines 59-63. Further, Change suggests that “this invention includes the abilities of allowing the user to schedule data download from those web cites requiring user id and password”, col. 6, lines 63-65 will result from implementing the scheduled publish commands. The motivation to incorporate a data scheduling insures that data is timely sent. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the schedule system as taught in Change into the publisher described in Ferrel because Ferrel operates with network content and Change suggests that optimization can be obtained when publishing content. Therefore, by the above rational, the above claims are rejected.

10. Regarding claim(s) 2, Ferrel teaches *a file server* at col. 9, lines 33 and 50. Thus, the above claim limitations are obvious in view of the combination.

11. Regarding claim(s) 3, 10, 17, 20-23, 30, 37, 43, 48, Change teaches *a firewall and user security* as “user id and password if required”, col. 6, lines 15-17 and in Ferrel teaches “each storage has its own access rights”, col. 12, lines 59. Thus, the above claim limitations are obvious in view of the combination.

12. Regarding claim(s) 4, 18, 35, 39, 44, 49, Ferrel teaches *processing for a plurality of servers* at col. 11, lines 32-35. Thus, the above claim limitations are obvious in view of the combination.

13. Regarding claim(s) 6, 9, 11, 24, 27-28 and 31, Ferrel teaches *adding or changing additional content* at col. 10, lines 55-58. Thus, the above claim limitations are obvious in view of the combination.

14. Regarding claim(s) 8, 12, 26, Change teaches *canceling content delivery* at col. 6, lines 47. Thus, the above claim limitations are obvious in view of the combination.

15. Regarding claim(s) 11, 12, 29, 36, 40, 45, 50, Ferrel teaches *providing information such as log files and status information* at col. 15, lines 30-42. Thus, the above claim limitations are obvious in view of the combination.

16. Regarding claim(s) 51, 53-54, Ferrel teaches *replicating content and verifying content* at col. 15, lines 1-10. Thus, the above claim limitations are obvious in view of the combination.

#### *Response to Amendment*

17. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

18. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

19. Applicant suggests "the independent claims, however, do not require 'a scheduling system'", Paper No. 11, Page 16, lines 13-14. Correct, but claim 7 was rejected in the grouping to try and emphasize the breadth of the claims. Thus, Applicant's arguments can not be held as

persuasive regarding patentability.

20. Applicant suggests “this publication distribution point is not a staging server used to generate content”. “Rather, the publication distribution point merely stores the layout and content components for a publication for download by users”, Paper No. 11, Page 14, lines 15-17. As claimed, a staging area is very broad and the distribution point is a staging area, with even functionality to suggest some sort of amorphous staged event occurred. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

21. Applicant suggests neither reference teaches publication “at substantially the same time”, Paper No. 11, Page 14, lines 19. Ferrel teaches “the title and content are published together”, col. 10, lines 25 is an example, but also “a set of replicated application servers (i.e. application servers which run the same service application or applications) that provide access to replicated (and locally stored) copies of service ‘content’ data”, col. 15, l. 1-5. Simultaneous distribution of data in a computer network is well known. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

22. Applicant suggests “neither Ferrel or Change disclose”, Paper No. 8, Page 6, lines 20 second access levels. However, Change teaches “user id and password if required”, col. 6, lines 15-17 and in Ferrel teaches “each storage has its own access rights”, col. 12, lines 59, thus based on the rights granted to the password will determine the level of access to said data. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

23. Applicant suggests “neither Ferrel or Change”, Paper No. 8, Page 7, lines 7-8 teach a rollback or undo command. However, inherently an undo command would be part of the “advanced MPS features”, col. 11, lines 32-33 and “the host data center also includes a number

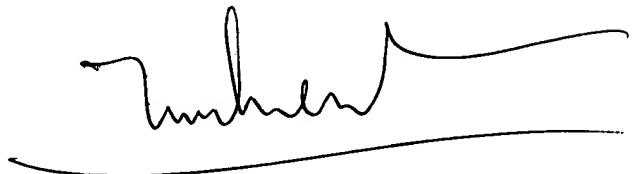
of administrative services ... backup, system security", col. 15, lines 16-19 in Ferrel. Said backup features are equally applicable to the user, production and staging servers. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited.
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.
27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

May 13, 2002



LE HIEN LUU  
PRIMARY EXAMINER